

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	No. <u>3:25-cr-00045</u>
v.)	
)	Chief Judge Campbell
JOSE GUADALUPE VAZQUEZ-DELGADO)	

UNITED STATES' NOTICE OF EXPERT TESTIMONY

The United States, by and through Robert E. McGuire, Acting United States Attorney for the Middle District of Tennessee, and Ahmed A. Safeullah, Assistant United States Attorney, pursuant to Rule 16(a)(1)(F) and (G) of the Federal Rules of Criminal Procedure and this Court's Local Criminal Rule 16.01, hereby files this notice of intent to call Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") Special Agent Kurt J. Wiest to offer opinion testimony at trial.

I. Opinions, and Bases and Reasons for Opinions

The United States will call ATF Special Agent Kurt Wiest to testify to the information and conclusions contained in his report, dated October 22, 2024, which has been provided to the defense in discovery. A copy of the report is attached as **Attachment B** to this Notice. Agent Wiest will testify to his examination of: (i) a 9mm caliber cartridge case bearing head stamp markings "SPEER 9mm LUGER"; and (ii) a 9mm caliber cartridge case bearing head stamp markings "WIN 9MM LUGER," which the defendant is alleged to have possessed on or about February 26, 2023. Based upon his examination,¹ knowledge, experience and research, Agent Wiest will testify to his conclusion that the recovered cartridge casings qualify as "ammunition" as defined by Title 18,

¹ As the report indicates, Agent Wiest has examined photographs of the ammunition, which are included as attachments to the report. Agent Wiest will conduct a physical examination of the ammunition before any in-court testimony.

United States Code, Section 921(a)(17). Additionally, the United States anticipates that Agent Wiest will testify that the physical markings on the “SPEER 9mm LUGER” and “WIN 9MM LUGER” cartridge casings indicate that they were not manufactured in the State of Tennessee; and therefore, this ammunition must have traveled in and affected interstate and/or foreign commerce prior to the defendant’s alleged possession of it on or about February 26, 2023, within the State of Tennessee.

Agent Wiest may also testify regarding his training and experience with firearms and ammunition. During the course of his employment with ATF, Agent Wiest has examined hundreds of firearms and rounds of ammunition for the purpose of determining the manufacturer, model, caliber or gauge, serial number, location of manufacturer, function and design, and status as related to the National Firearms Act. Agent Wiest has contacted the ATF National Tracing Center on numerous occasions and requested firearms traces concerning the manufacture and interstate/intrastate shipment of firearms. He has assisted many federal, state, local, and international law enforcement agencies with firearm traces.

Further, Agent Wiest has had numerous contacts with firearms dealers and manufacturers who are federal firearms licensees regarding licensing application, firearms transfer, acquisition, disposition, and compliance, as well as criminal enforcement matters, and he continues to do so as part of ATF’s liaison with the firearms industry.

II. Qualifications

Agent Wiest’s *Curriculum Vitae*, which is attached as **Attachment A** to this Notice, details his training and experience, as well as the numerous awards he has received. Agent Wiest has not authored any publications in the previous 10 years.

III. Prior Courtroom Testimony

Agent Wiest has provided opinion testimony in the following eight cases:

- *United States v. Estifanos Kumssa*, Case No. 3:21-cr-00172 (Judge Campbell)
- *United States v. Joshua Woods*, Case No. 3:22-cr-00069 (Judge Campbell)
- *United States v. Jamal Gardner*, Case No. 1:19-cr-00003 (Judge Campbell)
- *United States v. Donnell Booker*, Case No. 3:18-cr-00250 (Judge Richardson)
- *United States v. Ivan Crump*, Case No. 3:18-cr-00190 (Judge Richardson)
- *United States v. Tavarie Williams*, Case No. 3:17-cr-00238 (Judge Richardson)
- *United States v. Terious Ramey*, Case No. 3:18-cr-00237 (Judge Campbell)
- *United States v. Joshua Coffee*, Case No. 3:17-cr-00138 (Judge Trauger)

IV. Signature of Witness

I, Special Agent Kurt J. Wiest, have reviewed the foregoing disclosure and approve of the contents contained herein.



Kurt J. Wiest
ATF Special Agent

Respectfully submitted,

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for the Middle District of Tennessee

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